IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1268 OF 2007
IN
CHAMBER SUMMONS NO.212 OF 2007
IN
EXECUTION APPLICATION (L) NO.57 OF 2007
IN
AWARD NO.4TH APRIL, 1997

Pratap G. Somaiya S/o.
Goverdhandas ..Claimant.

Vs.

Rajesh Thakkar S/o.
Prabhudas Thakkar & Ors ..Respondents.

And

Central Bank of India ..Applicants.

Mr.A.S.Ramesan i/b.Mr.O.A.Das for the Applicants.

Mr.Shailesh Shah i/b.Mr.R.R.Sharma for the Claimant.

Mr.S.K.Chaurasia i/b.Ms.Seema Gupta for the Respondents.

Mr.D.V.Deokar, 1st Assistant to Court Receiver present.

CORAM : S.J. VAZIFDAR, J.
DATED : 14TH AUGUST, 2007

P.C. :

Mentioned. Not on board.

2. The Chamber Summons is placed on board and heard finally.

3. By this Chamber Summons, the Applicants seek the setting aside of an order dated 4th April, 2007 and for an order granting leave to proceed under the Securitisation Act inter-alia against the Court Receiver.

4. As far as the former relief is concerned, I am not inclined to consider it at this stage. Liberty to the Applicants to apply for the same subsequently.

5. The Applicants are at liberty to adopt proceedings in accordance with law against the Court Receiver including under the Securitisation Act.

6. The parties to the suit are at liberty to adopt proceedings against the Applicants for the alleged interference with the possession of the Court Receiver.

7. Needless to say that the Court Receiver shall keep the parties to the above proceedings informed of all notices and applications received from the Applicants.

8. Mr.Shah, the learned counsel appearing on behalf

of the Claimant states that this Court should pass an order impleading the Claimant in the proceedings which have been adopted/which may be adopted before the Debt Recovery Tribunal. The Claimant is always at liberty to make an application before the Tribunal for the same. It is the Tribunal before whom the matter may be filed, which must necessarily decide the questions of impleadment in those proceedings.

9. Chamber Summons stands disposed of accordingly.